

Remarks/Arguments

Reconsideration of this application is requested.

Claim 1 has been rewritten as new Claim 12 and with the addition of the subject matter of old Claim 4. Objected Claim 2 has been rewritten in independent form as new Claim 13. Objected to Claim 6 has been amended to be dependent on new Claim 12. Claim 8 has been rewritten as new Claim 14 with the addition of the subject matter of old dependent Claim 4. It is respectfully submitted that these claims, as well as the various dependent claims, are allowable, along with presently allowed Claims 9 through 11. A typographical error is corrected in Claim 9.

With regard to the Double Patenting rejection, it is submitted that the same has been obviated by the new Claim 12 because the subject matter now is substantially different from the claims of Patent No. 6,770,075, as well as substantially different from the disclosure of Patent No. 5,649,926. In particular, those patents do not disclose a head portion comprising a spherical shoulder, and the spherical shoulder being adapted to mate, pivot and rotate with respect to the first and second clamp assemblies. This is an entirely different design from anything disclosed in those two patents as will become further apparent from the following discussion.

Patent '798 shows an uniaxial pivoting swing bolt (Fig. 1d) that is assembled into the clevis slot in the head portion (24) of the lower threaded anchor screw (12). The head area has a top radius shoulder (28) that matches the radius recess (68) in the bottom of the lower clamp (56). The center area of the swing bolt has flats 42 along its cylindrical surface 28 to prevent rotation of the upper and lower clamps. The end portion of the swing bolt has a thread which engages to a jam nut fastener for the clamps upon assembly. Figures 1 through 4c clearly illustrate this design.

Patent '075 is a CIP of '798 and shows the same design but further adds C spacers (90) and adds angle flat 84, 84' to the sides of the clamp.

On the other hand, the present application is a CIP of the '075 patent. The major difference in this particular design is that the flats are removed from the center area of the swing bolt allowing for 360° rotation of the upper and lower clamps when they are assembled on the swing bolt. Also, the spherical surface on the top of the anchor screw upper shoulder and the seat on the bottom face of the lower clamp are no longer a simple radius surface so as to now allows for unlimited assembly angled positions. This is a significantly different structure and capability from the '798 and '075 patents. Figures 16 and 17, and various Figures of the lower clamps illustrate this structure and design in detail. Previous dependent Claim 4 particularly defined the relevant structure and for that reason the subject matter of dependent Claim 4 has been added into Claims 12 and 14 to more completely define the present invention.

Turning now to earlier Patent No. 5,649,926, the use of a swing bolt is entirely different than what is shown or taught in the previous 2 patents and the present application. Figures 2, 3, 4 and 5 show a completely threaded upper section of the swing bolt. This threaded area allows a reduction block spindle assembly 12 to be adjusted up or down by rotating 12 on the threaded area. At no time does 12 seat or pivot on the upper clevis shoulder of the anchor screw. The threaded portion of this structure is used to raise and lower an additional assembly. The assemblies involved do not mate onto a spherical shoulder, nor do they pivot or rotate. As for the disclosure of clamp assemblies in '926, note item 10 in Figure 1; these are clamp assemblies placed on a single axis anchor screw against a flat shoulder, clamped into position and without the capability of rotation and/or pivoting.

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In view of the foregoing, favorable reconsideration of this application and allowance of Claims 12, 13, 14, and dependent Claims 5, 6 and 7 along with allowed Claims 9 through 11 is solicited. Furthermore, it is believe that the present claims obviate any double patenting rejection.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: _____

4/24/00

By: _____

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